

Notice of Allowability

Application No.

10/050,720

Examiner

Thomas Y Ho

Applicant(s)

BONIFACIO, GERARD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 12/24/03.
2. ☒ The allowed claim(s) is/are 14, 17, 18, 21-38, 40-42 and 44-53.
3. ☒ The drawings filed on 16 January 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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substantially rectilinear portion connected to said first elongated portion to form an angular return bend that defines a second angle (β) between said first and second elongated portions of said unitary member, and a third elongated substantially rectilinear portion connected to said second elongated portion to form a second angular bend that defines a third angle (γ) between said second and third elongated portions of the unitary member, said third angle (γ) being selected so that said third elongated portion extends in a plane substantially parallel to said mean plane of the decorative ring, wherein said first elongated portion extends in a direction out of the mean plane of the ring.

Claims 15 and 16: (cancelled).

Claim 17: An earring in accordance with claim 14, wherein said second angle (β) is approximately 90° .

Claim 18: An earring in accordance with claim 14, wherein said second and third angles being selected so that a sum of said first, second and third angles is approximately 360° .

Claims 19 and 20: (cancelled).

Claim 21: An earring in accordance with claim 14, said third angle (γ) being selected so that said third elongated portion lies substantially in said mean plane of the decorative ring.

Claim 22: An earring in accordance with claim 14, wherein said first angle (α) is in the range of approximately 90° to 150° .

Claim 23: An earring in accordance with claim 14, wherein said second angle (β) is in the range of approximately 30° to 100° .

Claim 24: An earring in accordance with claim 18, wherein said second angle (β) is in the range of approximately 30° to 100° .

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Claim 25: An earring in accordance with claim 14, wherein said decorative ring further comprises a second end portion and a fastening means for detachable engagement with a free end of said unitary member remote from said decorative ring first end portion to thereby prevent unintended disengagement of the earring from the user ear lobe.

Claim 26: An earring in accordance with claim 18, wherein said decorative ring further comprises a second end portion and a fastening means for detachable engagement with said third portion of the unitary member to thereby prevent unintended disengagement of the earring from the user ear lobe.

Claim 27: An earring in accordance with claim 21, wherein said decorative ring further comprises a second end portion and a fastening means for detachable engagement with said third portion of the unitary member to thereby prevent unintended disengagement of the earring from the user ear lobe.

Claim 28: An earring in accordance with claim 25, wherein said fastening means comprises a substantially hollow portion defined at said second end portion of the decorative ring for receiving in said hollow portion the free end of said unitary member.

Claim 29: An earring in accordance with claim 26, wherein said fastening means comprises a substantially hollow portion defined at said second end portion of the decorative ring for receiving in said hollow portion a free end of said unitary member.

Claim 30: An earring in accordance with claim 27, wherein said fastening means comprises a substantially hollow portion defined at said second end portion of the decorative ring for receiving in said hollow portion a free end of said unitary member.

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Claim 31: An earring in accordance with claim 14, wherein said first angle (α) is approximately 135°.

Claim 32: An earring in accordance with claim 31, wherein said second angle (β) is approximately 90°.

Claim 33: An earring in accordance with claim 14, wherein the earring further comprises a hinge that connects the unitary member to the first end portion of the decorative ring.

Claim 34: An earring in accordance with claim 33, wherein said hinge is configured for enabling pivoted rotation of the unitary member relative to the decorative ring about an axis defined transverse to the mean plane of the decorative ring.

Claim 35: An earring in accordance with claim 14, wherein a portion of said unitary member defines a plane substantially transverse to the mean plane of the decorative ring.

Claim 36: An earring in accordance with claim 18, wherein a portion of said unitary member defines a plane substantially transverse to the mean plane of the decorative ring.

Claim 37: An earring comprising:

a suspendable decorative part, said decorative part defining a plane of suspension of the decorative part; and

an attachment portion depending from said decorative part comprising a unitary member having a first elongated substantially rectilinear portion extending at a first angle (α) relative to said suspension plane of the decorative part, a second elongated substantially rectilinear portion connected to said first elongated portion to form an angular return bend that defines a second angle (β) between said first and second elongated portions of said unitary member, and a third elongated substantially rectilinear portion connected to said second elongated portion to form a

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second angular bend that defines a third angle (γ) between said second and third elongated portions of the unitary member, said third angle (γ) being selected so that said third elongated portion extends in a plane substantially parallel to said suspension plane of the decorative part.

Claim 38: An earring in accordance with claim 37, wherein said first elongated portion extends in a direction out of the suspension plane of the decorative part.

Claim 39: (cancelled).

Claim 40: An earring in accordance with claim 37, wherein said second angle (β) is approximately 90° .

Claim 41: An earring in accordance with claim 37, wherein said unitary member further comprises a third elongated substantially rectilinear portion connected to said second elongated portion to form a second angular bend that defines a third angle (γ) between said second and third elongated portions of the unitary member, said second and third angles being selected so that a sum of said first, second and third angles is approximately 360° .

Claim 42: An earring in accordance with claim 37, wherein said unitary member further comprises a third elongated substantially rectilinear portion connected to said second elongated portion to form a second angular bend that defines a third angle (γ) between said second and third elongated portions of the unitary member, said third angle (γ) being selected so that a sum of said first, second and third angles is approximately 360° .

Claim 43: (cancelled).

Claim 44: An earring in accordance with claim 37, said third angle (γ) being selected so that said third elongated portion lies substantially in said suspension plane of the decorative part.

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Claim 45: An earring in accordance with claim 37, wherein said first angle (α) is in the range of approximately 90° to 150° .

Claim 46: An earring in accordance with claim 37, wherein said second angle (β) is in the range of approximately 30° to 100° .

Claim 47: An earring in accordance with claim 41, wherein said second angle (β) is in the range of approximately 30° to 100° .

Claim 48: An earring in accordance with claim 37, wherein said first angle (α) is approximately 135° .

Claim 49: An earring in accordance with claim 48, wherein said second angle (β) is approximately 90° .

Claim 50: An earring in accordance with claim 37, wherein the earring further comprises a hinge that connects the unitary member to the decorative part.

Claim 51: An earring in accordance with claim 50, wherein said hinge is configured for enabling pivoted rotation of the unitary member relative to the decorative part about an axis defined transverse to the suspension plane of the decorative part.

Claim 52: An earring in accordance with claim 37, wherein a portion of said unitary member defines a plane substantially transverse to the suspension plane of the decorative part.

Claim 53: An earring in accordance with claim 41, wherein a portion of said unitary member defines a plane substantially transverse to the suspension plane of the decorative part.

Claims 54 to 58: (cancelled).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH



ROBERT J. SANDY
PRIMARY EXAMINER